(1) A paper copy of the Sequence Listing as required by 37 C.F.R. 1.821(c);

(2) A copy of the Sequence Listing in computer readable form as required by 37 C.F.R. 1.821(e);

(3) An amendment specifically directing the entry of the Sequence Listing into the application; and

(4) A statement as required by 37 C.F.R. §§ 1.821(f) and §1.821(g) that the Sequence Listing information recorded in computer readable form is identical to the written sequence listing and that no new matter is added by the submission of the Sequence Listing or its entry in the application.

Applicants respectfully submit that the Notification of Defective Response is in error and that submission of a Sequence Listing, including the paper copy, computer readable copy, amendment and statement in accordance with above items (1), (2), (3), or (4), are not required.

The Office is respectfully directed to the M.P.E.P. § 2420, which sets forth the requirements for the disclosure and/or claiming of amino acid and nucleotide sequences in patent applications. In particular, applications containing nucleotide and/or amino acid sequences must contain a separate disclosure of the nucleotide and/or amino acid sequences, i.e. a Sequence Listing. Each sequence is assigned a unique sequence identification number, referred to as "SEQ ID NO." The rules apply to any application which discloses and/or claims any unbranched nucleotide sequence with ten or more bases and any unbranched amino acid sequence having four or more amino acids. The Sequence Listing is "for the purposes of building a comprehensive database and properly assessing prior art." See M.P.E.P. § 2420.

The sequence rules do not apply to applications which do not make any disclosure or which do not claim at least one nucleotide and/or amino acid sequence.

The present application neither claims nor discloses any nucleotide or amino acid sequences. Accordingly, the present application does not require a Sequence Listing. The

sequence listing rules, namely 37 C.F.R. §§ 1.821—1.825, are not germane to the prosecution of this application.

The Office is invited to clearly point to any nucleotide and/or amino acid sequence in the present application which requires a Sequence Listing.

Accordingly, withdrawal of the Notification of Defective Response and reconsideration of Applicants' response filed June 26, 2006 are respectfully requested. Applicants believe that the present application is in condition for acceptance under 35 U.S.C. § 371. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

William F. Gray

William F. Gray
Bayer Pharmaceuticals Corporation
400 Morgan Lane
West Haven, CT 06516-4175

Reg. No. 31018
Phone: (203) 812-2712
Date: 8 March 2007

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/567,058	Stephan Siegel	Le A 36 777

INTERNATIONAL APPLICATION NO.	
PCT/EP04/08076	
I.A. FILING DATE	PRIORITY DATE
07/20/2004	08/02/2003

35969
JEFFREY M. GREENMAN
BAYER PHARMACEUTICALS CORPORATION
400 MORGAN LANE
WEST HAVEN, CT 06516

CONFIRMATION NO. 4878

371 FORMALITIES LETTER

OC000000022394620

Date Mailed: 02/12/2007

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 02/01/2006
- English Translation of the IA filed on 02/01/2006
- Copy of the International Search Report filed on 02/01/2006
- Preliminary Amendments filed on 02/01/2006
- Oath or Declaration filed on 06/26/2006
- Request for Immediate Examination filed on 02/01/2006
- U.S. Basic National Fees filed on 02/01/2006
- Assignment filed on 06/23/2006
- Priority Documents filed on 02/01/2006
- Power of Attorney filed on 06/26/2006

Applicant's response filed 06/26/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 05/24/2006 have not been completed.

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new

matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/567,058	PCT/EP04/08076	Le A 36 777

FORM PCT/DO/EO/916 (371 Formalities Notice)